

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SUPPLEMENTAL SHEET)**

International Application No.
PCT/EP2004/007451

Box No. I. Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise stated in this section.

- The report is based on a translation from the original language into the following language, [REDACTED], which is the language of the translation furnished for the purposes of:

 - international search (under Rules 12.3 and 23.1b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements* of the international application, this report is based on (*replacement sheets that have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed hereto*):

Description, pages

5-10 as originally filed
1-4 received on March 17, 2005, with letter dated March 15, 2005

Claims, No.

1-9 received on March 17, 2005, with letter dated March 15, 2005

Drawings, Sheets

1/4-4/4 as originally filed

- a sequence listing and/or any related tables – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:
 - description, pages
 - claims: Nos.
 - drawings: sheet/fig.
 - sequence listing (*specify*):
 - any tables related to the sequence listing (*specify*):
 4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since in the opinion of the authority they go beyond the disclosure as filed, for the reasons stated in the Supplemental Box (Rule 70.2 c)).
 - description, pages
 - claims: Nos.
 - drawings: sheet/fig.
 - sequence listing (*specify*):
 - any tables related to the sequence listing (*specify*):

**If Item 4 applies, some or all of those sheets may be marked "superseded."*

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Box No. V. Reasoned statement under Article 35(2) as to novelty, inventive step and industrial applicability; citations and explanations in support of said statement

1. Statement

Novelty (N) Yes: Claims 1-9
 No: Claims

Inventive step (S) Yes: Claims 1-9
 No: Claims

Industrial applicability (IA) Yes: Claims 1-9
 No: Claims

2. Citations and explanations (Rule 70.7):

See supplemental sheet

Box No. VI. Certain documents cited

1. Certain published documents (rule 70.10)

and/or

2. Non-written disclosures (Rule 70.9)

See supplemental sheet

Box No. VII. Certain defects in the international application

The following defects in the form or content of the international application have been noted:

See supplemental sheet

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Re Item V

Reasoned statement as to novelty, inventive step and industrial applicability; citations and explanations in support of said statement

- 1 Reference is made to the following documents:

D1: EP 0 401 590 A

- 2 The present application satisfies the requirements of Art. 33 PCT, since the subject matter of Claim 1 both is novel and is based on an inventive step.

- 3 The subject matter of Claim 1 is novel (Art. 33(2) PCT), since the combination of features recited in Claim 1 is not known from the prior art.

- 4 Document D1 is considered to be the closest prior art with respect to the subject matter of Claim 1. It discloses (see column 3, line 7 to column 4, line 32 and Figs. 1-8; the references in parentheses refer to that document):

A device for fixing an adapter for an add-on piece to a condenser provided with lamellae (2) that are deformable between coolant conduits, comprising an adapter-supporting piece (7) that is provided with said adapter for an add-on piece and comprising an opposite piece (7'), said adapter-supporting piece (7) and said opposite piece (7') being provided with a number of facing, wedge-shaped protrusions (10) and there being implemented on said adapter-supporting piece (7) and on said opposite piece (7') a locking arrangement (14, 14', 14'') for connecting said adapter-supporting piece (7) and said opposite piece (7') to each other.

- 4.1 This known device has deficient stability. Accordingly, the object underlying the invention is to create a device that can be fixed stably in the central region of a condenser comprising lamellae that are deformable between coolant conduits.

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- 4.2 The invention proposes to achieve this object by means of the following features: (a) the adapter-supporting piece and the opposite piece each have a U-shaped conformation comprising two lateral edge portions and one transverse portion extending between the edge portions, the protrusions being disposed opposite one another in pairs on the edge portions and the transverse portions of the adapter-supporting piece and the opposite piece.
- 4.3 These features (a) result in particularly good self-securing, with comparatively little lever action in the region of the transverse portions and with adequate stabilization in the region of the edge portions.
- 4.4 Such a solution is not known from or suggested by the prior art. For this reason, the subject matter of Claim 1 is based on an inventive step (Art. 33(3) PCT).
- 5 Claims 2-9 are dependent on Claim 1 and therefore also satisfy the requirements of the PCT with regard to novelty and inventive step.
- 6 Applicant should be aware that the wording "Device for fixing an adapter for an add-on piece" allows a very general construction of the subject matter and thus results in very broad scope for the protection being sought. The subject matter of this claim is therefore anticipated by any device that has the technical features recited in Claim 1 and is suitable for installation in a condenser¹, even if this device is encountered in a field that is unrelated and has not been searched.
- 7 The subject matter of Claims 1-9 is industrially applicable (Art. 33(4) PCT).

Re Item VII

Certain defects in the international application

- 8 The document cited in the description (page 1, line 8) was mistakenly given as EP 0 401 500 (instead of EP 0 401 590).
- 9 Claim 8 erroneously refers to Claim 72 (instead of Claim 7).

¹ TRANSLATOR'S NOTE: The German word *Kühler* is much more generic than "condenser," encompassing "radiator," "refrigerator" and "cooler" as well. (See footnote on p. 1 of the specification.)